

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 SW/S Hilltop Avenue, 53 ft.
 from c/l Kent Avenue * ZONING COMMISSIONER
 5959 Hilltop Avenue
 1st Election District * OF BALTIMORE COUNTY
 1st Councilmanic District
 John T. Berezney, et ux, et al * Case No. 96-20-A
 Petitioners
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 5959 Hilltop Avenue in Catonsville. The Petition is filed by John T. Berezney and Josephine A Berezney, his wife; Thomas J. Berezney and Lisa M. Berezney, his wife, all property owners. Variance relief is requested from Sections 1B02.3.C.1, 301.1A and 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing house with a rear yard setback of 15 ft. in lieu of the required 30 ft., an existing deck with a setback of 2 ft., in lieu of the required 22-1/2 ft., and an existing garage to be located closest to the street, in lieu of the required third of the lot farthest removed from any street. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case were Thomas J. Berezney, Lisa M. Berezney and Josephine A. Berezney. The Petitioners were represented by Thomas N. Evans, Jr., Esquire. Robert Fish appeared as an interested person.

Testimony and evidence presented was that the subject property is approximately 9,680 sq. ft. in area and is zoned D.R.5.5. The property is located in the subdivision known as Catonsville Gardens, adjacent to the intersection of Kent Avenue and Hilltop Avenue. The property is improved

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 9/1/95
 By *[Signature]*

MICROFILMED

by a two story brick and frame single family dwelling. A detached garage is also located on the property, as well as an attached deck. The Petitioners indicated that the variance Petition has been filed to legitimize existing conditions. That is, no new construction is planned. Apparently, there have been some poor relationships within members of the community which has resulted in zoning inspections to a number of properties. An inspection of the subject site revealed the need for the above described zoning relief.

The zoning relief which is requested is generated because of the uniqueness of this lot and the configuration of the dwelling thereon. As noted above, the property is a corner lot with frontage on both Kent Avenue and Hilltop Avenue. The house is actually oriented towards Hilltop Avenue according to the construction permit which was issued and the site plan. Photographs of the site indicate, however, that exterior entrances to the house exist towards both streets. In any event, due to the orientation of the house towards Hilltop Avenue, the requisite setback of variances are necessary. Photographs of the property show same to be well kept and maintained and clearly the existing improvements do not cause any detrimental affect on the neighborhood or surrounding properties.

Variance relief may be granted upon compliance with the provisions of Section 307.1 of the BCZR. Such regulation requires the Petitioner to demonstrate that a practical difficulty or unreasonable hardship exist which justify the relief. The spirit and intent of the ordinance must also be observed. In this instance, the practical difficulty springs from the unique character of this corner lot and the orientation of the dwelling thereon. Strict adherence to the regulations is not practical.

In my view, the Petition for Variance should be granted and I will so order.

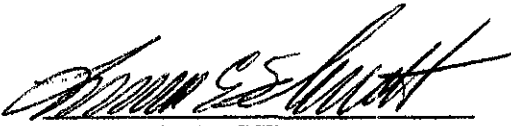
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of September, 1995 that a variance from Sections 1B02.3.C.1, 301.1A and 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing house with a rear yard setback of 15 ft. in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for an existing deck with a setback of 2 ft., in lieu of the required 22-1/2 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for an existing garage to be located closest to the street, in lieu of the required third of the lot farthest removed from any street, be and is hereby GRANTED subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

CREAT RECEIVED FOR FILING
Date 9/16/95
By Mr. Horak

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 30, 1995

Thomas N. Evans, Jr., Esquire
401 Washington Avenue
Suite 904
Towson, Maryland 21204

RE: Case No. 96-20-A
Petition for Zoning Variance
Property: 5959 Hilltop Avenue

Dear Mr. Evans:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. John T. Berezney
Mr. and Mrs. Thomas J. Berezney

MICROFILMED





Petition for Variance

96-20-A
to the Zoning Commissioner of Baltimore County

for the property located at 5959 Hilltop Ave. Balt. MD 21207
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1; 301.1A & 400.1

To permit an existing house with a rear yard setback of 15 ft. in lieu of the required 30 ft.; to permit an existing deck with a setback of 2 ft. in lieu of the required 22.5 ft.; and to permit an existing garage located closer to the street in lieu of the required third of the lot farthest removed from any street.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Home purchased in good faith. Zoning violations were unknown to us.

1. Deck is attached to our rear entrance. Deck used to get wheelchair bound person fresh air and sunlight.
2. Garage is actually a shed. There is no place to move it too.
3. Fence separates property from empty building lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

John T. Berezney

Josephine A. Berezney

(Type or Print Name)

Signature

Thomas J. Berezney

Lesa M. Berezney

(Type or Print Name)

Signature

5959 Hilltop Ave.

410-744-1773

Address

Phone No

Baltimore Maryland

21207

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY: *JF*

DATE

7/17/95

17



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Zoning Administration

Development Management

96-20-A

ZONING DESCRIPTION FOR 5959 HILLTOP AVE. BALTIMORE MD. 21207

Beginning at the point on the SW side of Hilltop Ave., which is 38' wide at the distance of 53' SE of the center line of the nearest intersecting street, Kent Ave. Being known and designated as lots number 1, 2, 3, and 4, as shown on the plat of Catonsville Gardens, which plat is recorded among the land records of Baltimore County in plat book W.P.C. 6. Folio 157.

17

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

96-20-A

District 1st Date of Posting 8/4/95

Posted for: Variance

Petitioner: John + Rosa + Thomas Boreznay

Location of property: 6959 Hill Top Ave.

Location of Signs: Facing two way, on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 8/12/95
Signature

Number of Signs: 1

WILLIAMSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
98-20-A (Item 17)
5958 Hilltop Avenue
SW/S Hilltop Avenue, 53'
from/1 Kent Avenue
1st Election District
1st Councilmanic

Legal Owner(s):
John T. Josephine A.,
Thomas J. and Lesa M.
Berezny

HEARING: MONDAY,
AUGUST 21, 1995 at 9:00
a.m. in Rm. 118, Old
Courthouse.

Variance: to permit an existing house with a rear yard setback of 15 feet in lieu of the required 30 feet; to permit an existing deck with a setback of 2 feet in lieu of the required 22.5 feet; and to permit an existing garage, located closer to the street in lieu of the required third of the lot frontage, to be moved from its present location.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
887-3353.

(2) For information
concerning the File and/or
Hearing, Please Call 887-3391.

8/070 August 3.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Aug 4, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 3, 1995.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

Publisher

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NO.

96-20-A
001641

DATE 7/17/95 ACCOUNT R-001-615-000

AMOUNT \$ 85.00

RECEIVED FROM: BEREZNAY

010 - - Variance - 50.00 ITEM # 17
080 - - Sign - - - 35.00 Taken: JRF

FOR:

DATE 7/17/95

03A03#0406MICHRC
BA C011#00AND7-17-95

85
\$85.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 17

Petitioner: Mr. and Mrs. Thomas Bereznay

Location: 5959 Hilltop Avenue Baltimore, Maryland 21207

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. and Mrs. Thomas Bereznay

ADDRESS: 5959 Hilltop Avenue Baltimore, Maryland 21207

PHONE NUMBER: 410-744-1773

AJ:ggs

MICROFILMED

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
August 3, 1995 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Thomas Berezney
5959 Hilltop Avenue
Baltimore, Maryland 21207
744-1773

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-20-A (Item 17)
5959 Hilltop Avenue
SW/S Hilltop Avenue, 53' from c/l Kent Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): John T., Josephine A., Thomas J. and Lesa M. Berezney
HEARING: MONDAY, AUGUST 21, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit an existing house with a rear yard setback of 15 feet in lieu of the required 30 feet; to permit an existing deck with a setback of 2 feet in lieu of the required 22.5 feet; and to permit an existing garage located closer to the street in lieu of the required third of the lot farthest removed from any street.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

188650-7-24-95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 31, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-20-A (Item 17)

5959 Hilltop Avenue

SW/S Hilltop Avenue, 53' from c/l Kent Avenue

1st Election District - 1st Councilmanic

Legal Owner(s): John T., Josephine A., Thomas J. and Lesa M. Berezney

HEARING: MONDAY, AUGUST 21, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit an existing house with a rear yard setback of 15 feet in lieu of the required 30 feet; to permit an existing deck with a setback of 2 feet in lieu of the required 22.5 feet; and to permit an existing garage located closer to the street in lieu of the required third of the lot farthest removed from any street.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

cc: John and Josephine Berezney

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 7, 1995

Mr. John T. Berezney
Ms. Josephine A. Berezney
5959 Hilltop Avenue
Baltimore, Maryland 21207

RE: Item No.: 17
Case No.: 96-20-A
Petitioner: J. T. Berezney, et al

Dear Mr. Berezney:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the word "Sincerely,".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

17 AUG 1995

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 7, 1995
Zoning Administration and Development Management

FROM: *pub* Robert W. Bowling, P.E., Chief
Development Plan Review Division

RE: Zoning Advisory Committee Meeting
for August 7, 1995
Item No. 017

The Development Plan Review Division has reviewed the subject zoning item. Kent Avenue and Hilltop Avenue are existing roads, which shall ultimately be improved as 30-foot street cross-sections on 50-foot rights-of-ways.

RWB:sw


MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 2, 1995

FROM: Pat Keller, Director 
Office of Planning and Zoning

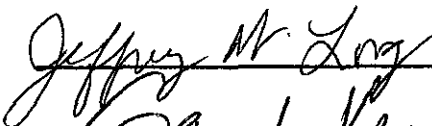
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 17, 21, 24, and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:



Division Chief:



PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 7/31/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 7/31/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s.

17

18

24

25

26

27

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

7-28-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 017 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/31/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 31, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 17, 18, 19, 20, 21, 22,
23, 24, 25 AND 27.

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

RECEIVED

AUG 1 1995

ZADM



RE: PETITION FOR VARIANCE * BEFORE THE
5959 Hilltop Avenue, SW/S Hilltop Avenue, * ZONING COMMISSIONER
53' from c/l Kent Avenue, 1st * OF BALTIMORE COUNTY
Election District, 1st Councilmanic *
John, Josephine, Thomas & Lesa Berezney * CASE NO. 96-20-A
Petitioner *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

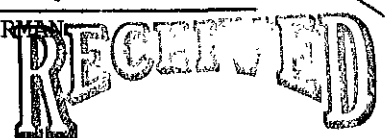
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to John, Josephine, Thomas & Lesa Berezney, 5959 Hilltop Avenue, Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



AUG 14 1995

DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Joseph A. Berznap
Thomas Berznap
Lisa Berznap

THOMAS N. EVANS, JR.
ATTORNEY AT LAW

401 WASHINGTON AVE.
SUITE 904
TOWSON, MARYLAND 21204
(410) 296-2727

RESIDENCE
744-6555



Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

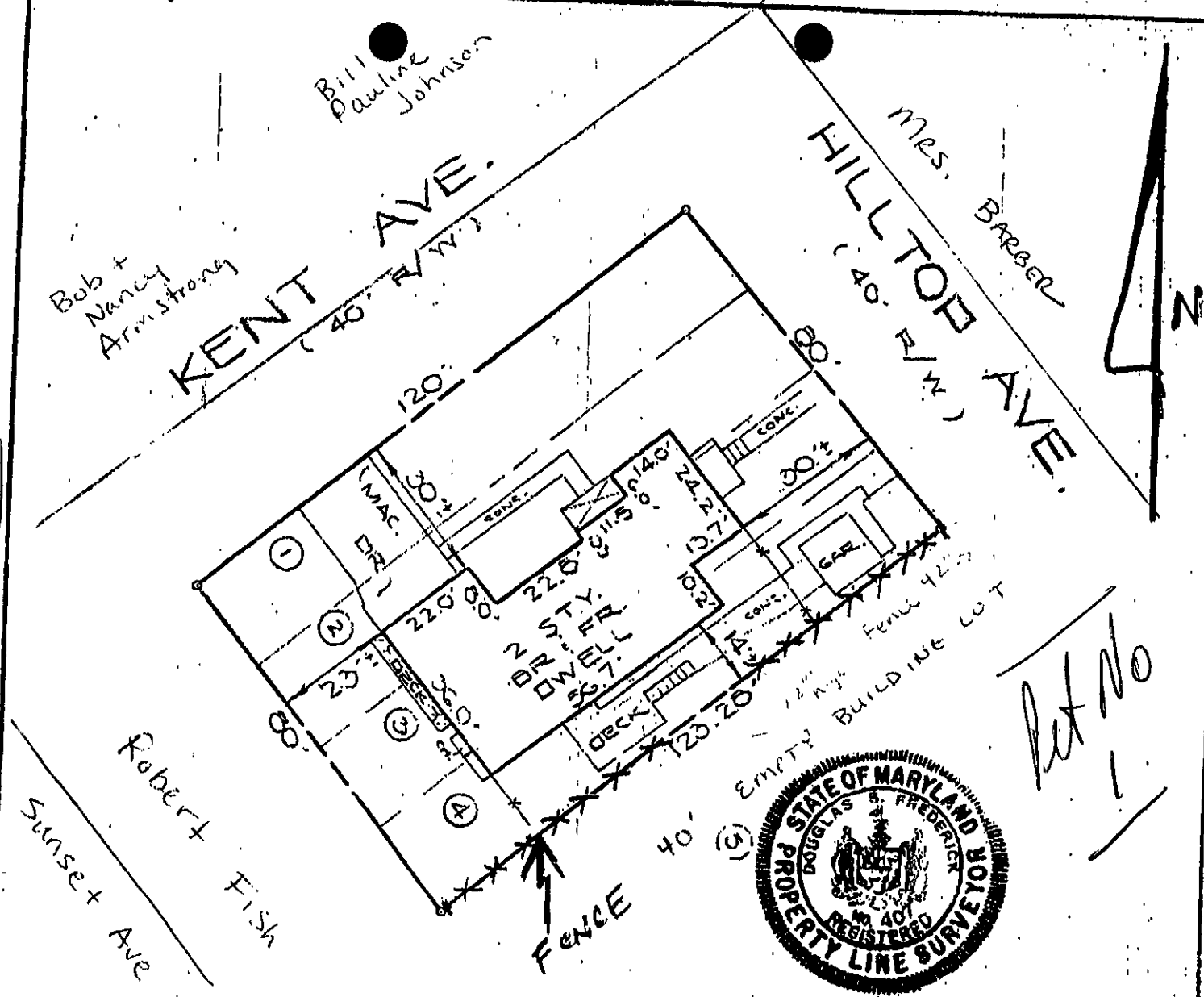
NAME

ADDRESS

Robert Fish

5954 Burnett Ave

APR 19 1994



Reference lot(s) ^{BLOCK '4'} 1THRU 4 plat entitled
CATONSVILLE GARDENS dated
OCT. 4, 1910 and recorded among
the Plat Records of Baltimore County,
Maryland in Plat Book 6 Folio 157

NOTE: This plat is not intended for
use in establishing property lines
and does not constitute a boundary
survey.

This is to certify that we have located
the improvements and that they are
located on the lot(s) as shown hereon.

[Signature]
Registered No.: 407 Date: 4/17/94

NOTE: This Property does not
lie within the limits of a
flood hazard area as delineated
on the maps of the national
flood insurance program.
Map number 240010 0330 B
EFFECTIVE DATE: MAR 2, 1981
ZONE C

LOCATION CERTIFICATION OF
5959 HILLTOP AVENUE

2nd Election District
Scale: 1" = 30'
Balto. Co., MD
Date: 6-15-94
REV. 6-20-94

FILE NO. E-5562-37



W. DUVALL & ASSOCIATES, INC.
ENGINEERS, SURVEYORS, LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 883-8871

L.C. # 1970
B.O.R.



BALTIMORE COUNTY MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

John R. King
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B039472 CONTROL #: NR DIST: 01 PREC: 03
DATE ISSUED: 12/20/89 TAX ACCOUNT #: 0106200830 CLASS:

PLANS: CONST 02 PLOT 7 R FLAT 1 DATA 0 ELEC YES PLUM YES
LOCATION: 5959 HILLTOP AVE
SUBDIVISION: CATONSVILLE GARDENS

OWNERS INFORMATION

NAME: FAIR, CHARLES & IDA
ADDR: 5931 SAINT MARY'S STREET, BALTO, MD 21207

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

TENANT:

CONTR: OWNER

ENGR:

SELLR: ROBERT C & ANN R. FISH

WORK: CONSTRUCT SINGLE FAMILY DWELLING WITH FIREPLACE
(OUTSIDE PROJECTION OF FIREPLACE NOT TO EXCEED
4X10). (66'X38'X32') TOTAL 4,654 SF THREE BED-
ROOMS.

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SINGLE FAMILY DWELLING
75,000.00 EXISTING USE: VACANT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: ONE FAMILY

FOUNDATION: CONCRETE

SEWAGE: PUBLIC EXIST

BASEMENT: FULL

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 080/080X120/123

FRONT STREET:

SIDE STREET:

FRONT SETB: 25'

SIDE SETB: 12'/30'

SIDE STR SETB: NC

REAR SETB: 31'

Pet No 2
MICROFILMED

August 10, 1995

To whom it may concern,

I we reside at 1510 Kent Ave.
I we have no objections to the variances applied for by those
residing at 5959 Hilltop Ave., Baltimore MD 21207.

Sincerely,

Barbara A. Winter
(Signature)

James C. Winter
(Signature)

Barbara A. Winter
(Printed Name)

JAMES C. WINTER
(Printed Name)

led 3A

RECEIVED

August 10, 1995

To whom it may concern,

I/we reside at 1512 Kent Ave. Balto., MD. 21207.
I/we have no objections to the variances applied for by those
residing at 5959 Hilltop Ave., Baltimore MD 21207.

Sincerely,

Robert S. Armstrong
(Signature)

Nanci W. Armstrong
(Signature)

Robert S. Armstrong
(Printed Name)

Nanci W. Armstrong
(Printed Name)

BB

RECEIVED
AUG 11 1995

August 10, 1995

To whom it may concern,

I/we reside at 1514 Kent Ave.
I/we have no objections to the variances applied for by those
residing at 5959 Hilltop Ave., Baltimore MD 21207.

Sincerely,

Pauline J. Johnson
(Signature)

William Johnson Jr.
(Signature)

Pauline J. Johnson
(Printed Name)

William Johnson Jr.
(Printed Name)

34

WICKED

August 10, 1995

To whom it may concern,

I/we reside at 5940 Hilltop Ave. Balt. MD 21207.
I/we have no objections to the variances applied for by those
residing at 5959 Hilltop Ave., Baltimore MD 21207.

Sincerely,

Anna Barber
(Signature)

(Signature)

ANNA BARBER
(Printed Name)

(Printed Name)

RECEIVED

3D

August 10, 1995

To whom it may concern,

I/we reside at 5955 Hilltop Ave Baltimore, Md 21207.
I/we have no objections to the variances applied for by those
residing at 5959 Hilltop Ave., Baltimore MD 21207.

Sincerely,

Mr. and Mrs. Curtis A. Johnson Sr.
(Signature)

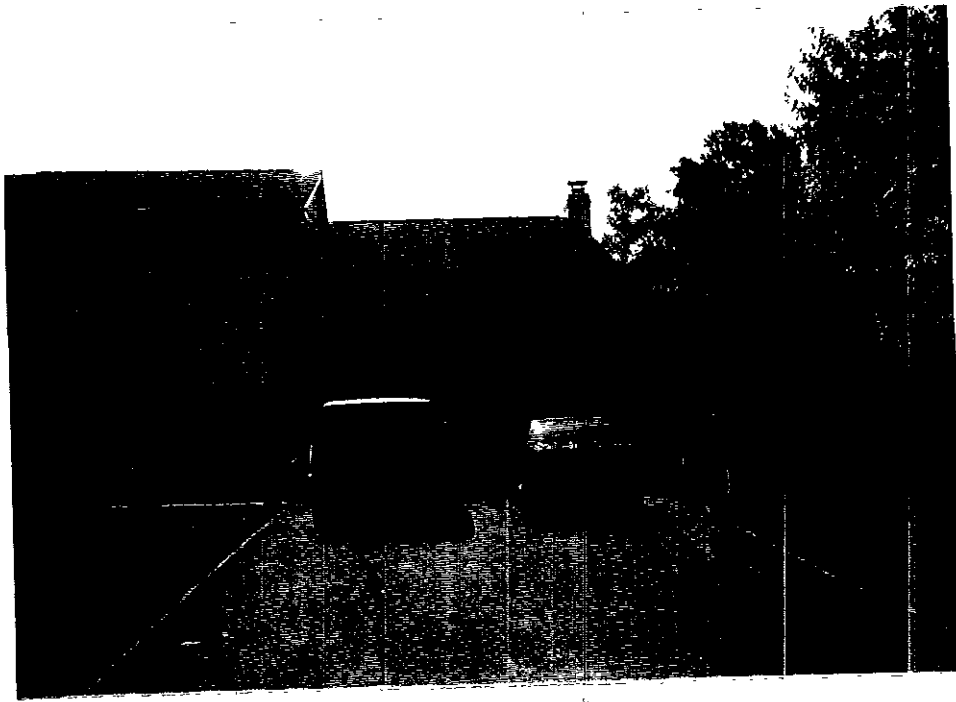
CURTIS A. JOHNSON SR.
(Printed Name)

Beverly Johnson
(Signature)

Beverly Johnson
(Printed Name)

MICROFILMED

3E



Two car garage off Kent Ave.
and side of house or rear.

MICROFILMED



Side of home on Kent Avenue.
We use this as the front of home
since double garage is on this side.



Shows the elevation of deck
and easy access to home in case of
fire.

Deck is used to get John, who is
wheelchair bound, out for fresh air
and sunshine.

MICROFILMED



Side of home - we consider
it the back of our home.



fence along property line.
The next two lots are vacant.



Front of house according to
Permit # B039472.

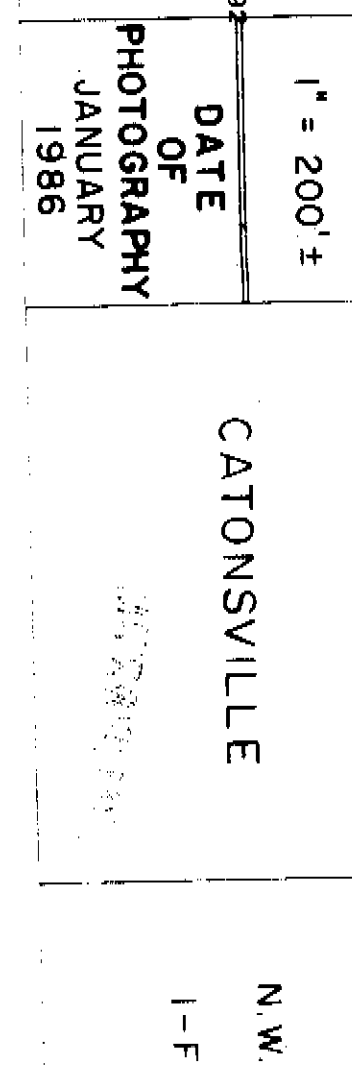
Front set back is 25 feet.

UNRECORDED



front of property. Shed, not
garage, is shown. mailbox.

MICROFILMED



John T. ...
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
REPRODUCTION COMPLETED BY PHOTOGRAPHIC METHODS

76-20-A

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Hilltop Avenue, 53 ft. * ZONING COMMISSIONER
from c/l Kent Avenue *
5959 Hilltop Avenue *
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District *
John T. Berezney, et ux, et al * Case No. 96-20-A
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 5959 Hilltop Avenue in Catonsville. The Petition is filed by John T. Berezney and Josephine A. Berezney, his wife; Thomas J. Berezney and Lisa M. Berezney, his wife, all property owners. Variance relief is requested from Sections 1B02.3.C.1, 301.1A and 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing house with a rear yard setback of 15 ft. in lieu of the required 30 ft., an existing deck with a setback of 2 ft., in lieu of the required 22-1/2 ft., and an existing garage to be located closest to the street, in lieu of the required third of the lot farthest removed from any street. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case were Thomas J. Berezney, Lisa M. Berezney and Josephine A. Berezney. The Petitioners were represented by Thomas N. Evans, Jr., Esquire. Robert Fish appeared as an interested person.

Testimony and evidence presented was that the subject property is approximately 9,680 sq. ft. in area and is zoned D.R.5.5. The property is located in the subdivision known as Catonsville Gardens, adjacent to the intersection of Kent Avenue and Hilltop Avenue. The property is improved

by a two story brick and frame single family dwelling. A detached garage is also located on the property, as well as an attached deck. The Petitioners indicated that the variance Petition has been filed to legitimize existing conditions. That is, no new construction is planned. Apparently, there have been some poor relationships within members of the community which has resulted in zoning inspections to a number of properties. An inspection of the subject site revealed the need for the above described zoning relief.

The zoning relief which is requested is generated because of the uniqueness of this lot and the configuration of the dwelling thereon. As noted above, the property is a corner lot with frontage on both Kent Avenue and Hilltop Avenue. The house is actually oriented towards Hilltop Avenue according to the construction permit which was issued and the site plan. Photographs of the site indicate, however, that exterior entrances to the house exist towards both streets. In any event, due to the orientation of the house towards Hilltop Avenue, the requisite setback of variances are necessary. Photographs of the property show same to be well kept and maintained and clearly the existing improvements do not cause any detrimental affect on the neighborhood or surrounding properties.

Variance relief may be granted upon compliance with the provisions of Section 307.1 of the BCZR. Such regulation requires the Petitioner to demonstrate that a practical difficulty or unreasonable hardship exist which justify the relief. The spirit and intent of the ordinance must also be observed. In this instance, the practical difficulty springs from the unique character of this corner lot and the orientation of the dwelling thereon. Strict adherence to the regulations is not practical.

In my view, the Petition for Variance should be granted and I will so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of September, 1995 that a variance from Sections 1B02.3.C.1, 301.1A and 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing house with a rear yard setback of 15 ft. in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for an existing deck with a setback of 2 ft., in lieu of the required 22-1/2 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for an existing garage to be located closest to the street, in lieu of the required third of the lot farthest removed from any street, be and is hereby GRANTED subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES/mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 30, 1995

(410) 887-4386

Thomas N. Evans, Jr., Esquire
401 Washington Avenue
Suite 904
Towson, Maryland 21204

RE: Case No. 96-20-A
Petition for Zoning Variance
Property: 5959 Hilltop Avenue

Dear Mr. Evans:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

cc: Mr. and Mrs. John T. Berezney
Mr. and Mrs. Thomas J. Berezney

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5959 Hilltop Ave. Balt. MD 21207
which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1; 301.1A & 400.1

To permit an existing house with a rear yard setback of 15 ft. in lieu of the required 30 ft.; to permit an existing deck with a setback of 2 ft. in lieu of the required 22.5 ft.; and to permit an existing garage located closer to the street in lieu of the required third of the lot farthest removed from any street.

Home purchased in good faith. Zoning violations were unknown to us.

1. Deck is attached to our rear entrance. Deck used to get wheelchair bound person fresh air and sunlight.
2. Garage is actually a shed. There is no place to move it too.
3. Fence separates property from empty building lot.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Signature of Petitioner: John T. Berezney, Josephine A. Berezney, Thomas J. Berezney, Lisa M. Berezney
Signature of Agent: Thomas N. Evans, Jr.
Address: 5959 Hilltop Ave. 410-744-1773
Baltimore, Maryland 21207
Name, Address and phone number of representative to be contacted: Thomas N. Evans, Jr., 410-744-1773

ESTIMATED LENGTH OF HEARING: Unavailable for Hearing

the following date: Next Two Months

REVIEWED BY: [Signature] DATE: 7/17/95

17

ZONING DESCRIPTION FOR 5959 HILLTOP AVE. BALTIMORE MD. 21207

Beginning at the point on the SW side of Hilltop Ave., which is 38' wide at the distance of 53' SE of the center line of the nearest intersecting street, Kent Ave. Being known and designated as lots number 1, 2, 3, and 4, as shown on the plat of Catonsville Gardens, which plat is recorded among the land records of Baltimore County in plat book W.P.C. 6. Folio 157.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 157 Date of Posting: 7/17/95
Posted for: Variance
Petitioner: John T. Berezney, Josephine A. Berezney, Thomas J. Berezney, Lisa M. Berezney
Location of property: 5959 Hilltop Ave.
Location of Sign: 5959 Hilltop Ave. 410-744-1773
Remarks: [Signature]
Posted by: [Signature] Date of return: 7/17/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Aug 4, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 3, 1995

THE JEFFERSONIAN,
A. Henricson
PUBLISHER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 7/17/95 ACCOUNT: R-001-015-000
AMOUNT: \$ 85.00

RECEIVED FROM: BEREZNEY
010 - VARIANCE - 50.00 ITEM # 17
FOR: 010 - Sign - 35.00 Total: JEF
03A034040641C000
EA 0011-00AM97-17-95 \$85.00

VALIDATION ON SIGNATURE OF CASHIER



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 17

Petitioner: Mr. and Mrs. Thomas Berezney

Location: 5959 Hilltop Avenue, Baltimore, Maryland 21207

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. and Mrs. Thomas Berezney

ADDRESS: 5959 Hilltop Avenue, Baltimore, Maryland 21207

PHONE NUMBER: 410-744-1773

AJ:ggg

(Revised 04/99/93)

TO: FUTURE PUBLISHING COMPANY
August 3, 1995 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Thomas Berezney
5959 Hilltop Avenue
Baltimore, Maryland 21207
744-1773

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-20-A (Item 17)

5959 Hilltop Avenue
5959 Hilltop Avenue, 53' from c/l Kent Avenue
1st Election District - 1st Councilmanic

Legal Owner(s): John T., Josephine A., Thomas J. and Lisa M. Berezney
HEARING: MONDAY, AUGUST 21, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit an existing house with a rear yard setback of 15 feet in lieu of the required 30 feet; to permit an existing deck with a setback of 2 feet in lieu of the required 22.5 feet; and to permit an existing garage located closer to the street in lieu of the required third of the lot farthest removed from any street.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

July 31, 1995

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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Arnold Jablon
Arnold Jablon
Director
Department of Permits and Development Management

cc: John and Josephine Berezney

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 7, 1995

Mr. John T. Berezney
Ms. Josephine A. Berezney
5959 Hilltop Avenue
Baltimore, Maryland 21207

RE: Item No.: 17
Case No.: 96-20-A
Petitioner: J. T. Berezney, et al

Dear Mr. Berezney:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.
Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: August 2, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plan Review Division

RE: Zoning Advisory Committee Meeting
for August 7, 1995
Item No. 017

The Development Plan Review Division has reviewed the subject zoning item. Kent Avenue and Hilltop Avenue are existing roads, which shall ultimately be improved as 30-foot street cross-sections on 50-foot rights-of-ways.

RWB:ew

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 17, 21, 24, and 25.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*
Division Chief: *Carol L. Verna*

PK/JL

ITEM17/PZONE/TXTJWL

**BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE**

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 7/31/95

DATE: 7/31/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s:
17
24
25
26
27

LS:sp

LETY2/DEPRM/TXTS8P

**SHA Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. C17 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not exceed a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2286 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Front of property. Shed, not garage, is shown. Mailbox.

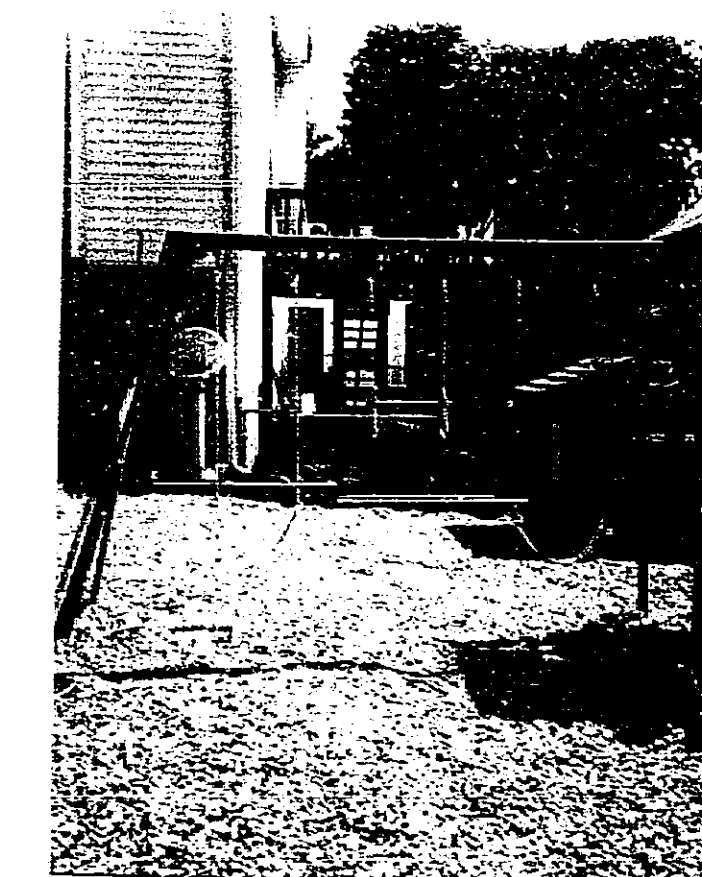


Front of house according to permit # B039472.

Front setback is 25 feet.



Fence along property line.
The next two lots are vacant.



Side of home - we consider it the back of our home.



Corner of Kent Avenue and Hilltop Avenue.



Shows the elevation of deck and easy access to home in case of fire.

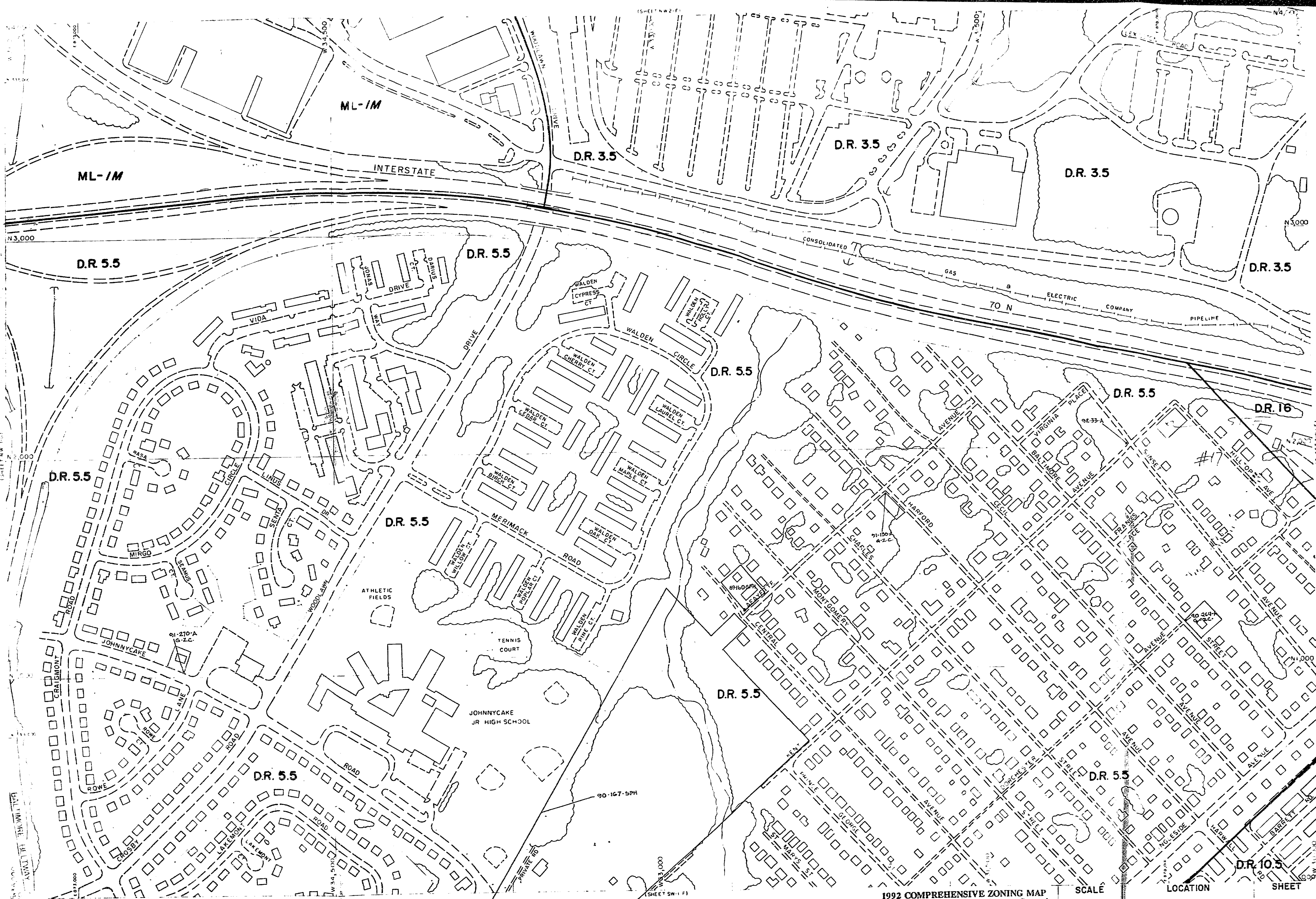
Deck is used to get John, who is wheelchair bound, out for fresh air and sunshine.



Side of home on Kent Avenue.
We use this as the front of home since double garage is on this side.



Two car garages off Kent Ave. and side house or rear.



1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1988
 BILL NOS. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 BILL NOS. 153-92, 154-92, 155-92, 156-92, 157-92, 158-92, 159-92

William H. Hovell
 Chairman, County Council

SCALE
 1" = 200'
 DATE OF PHOTOGRAPHY
 JANUARY 1992

LOCATION
 CATONSVILLE
 SHEET
 N.W.
 1-F

96-20-A